



# Doncaster Council

## Report

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**Date: 5 April 2018**

**To the Chair and Members of the  
AUDIT COMMITTEE**

### **SOLAR CENTRE – PROGRESS REPORT**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Cllr Rachel Blake	All	No

### **EXECUTIVE SUMMARY**

1. In April 2017, Audit Committee members were informed of the circumstances surrounding the Solar Centre, which is a Day Centre (provided by Rotherham, Doncaster & South Humber NHS Foundation Trust) for people with learning disabilities. The contract for this provision expired in 2014.
2. The Solar Centre provides learning disability day services. The failure to carry out a procurement process for the service became a CPR breach with effect from April 2014. Services continued to be provided to and paid for by the Council after the end of the original contract and subsequent CPR waiver period was reached without a formal contractual arrangement having been set up.
3. This report summarises a backward looking review carried out by Internal Audit into how the breach occurred and the improvement actions that are aimed at preventing future occurrences, and progress being made in resolving the breach with the Solar Centre, alongside ensuring there is appropriate service provision for current users of the Centre.
4. The key weaknesses were:
  - There has been and still is a lack of any formal contractual documentation binding the agreement between the Council and RDaSH for the services provided.
  - There has been a lack of detailed contract monitoring throughout the period.

- The responsibility for managing the contract rested substantially with one person at the Council (who left in 2016), who did not ensure there were appropriate contracts in place or any effective contract management. The Officer also allowed service variations that did not represent good value for the Council.
- Added to this, the Officer failed to explore and take opportunities to achieve savings for the Council including recovering Continuing Health Care costs and adjusting for potential double payment for services.
- This was exacerbated by a lack of senior management monitoring and challenge, which meant weaknesses were not highlighted and dealt with.
- There has been a lack of management priority and action to address the breach after it was highlighted by the Corporate Procurement Team in 2015, including a lack of project planning and project management to implement the changes required.
- Senior management reports, including to the Audit Committee, have overstated progress in addressing the breach.
- Lack of visibility to corporate teams (eg Finance, Legal, Procurement) that could have led to challenge from them and support to progress the issue. All relevant teams are now involved as appropriate in assisting in remedying the situation.

5. The consequences of the current position are:

- The value of the payments made by the Council for the Services provided exceeds the EU procurement threshold limit (the service falls under the Light Touch Regime that has a current threshold of £589,148; above this threshold a procurement process should be held).
- The Council cannot demonstrate it is achieving best value for these ongoing services.

Improvement Actions

6. Key actions recommended by Internal Audit following its review and progress being made by management on these actions are tabled below:

Action	Status – March 2018
Solar Centre, current situation resolution – allocate responsibility; produce a clear project plan with timescales, report to and challenge by each DLT	<p>Ongoing:</p> <ul style="list-style-type: none"> <li>• The Assistant Director, Adult Social Care is now the DLT Lead for the Solar Centre breach rectification.</li> <li>• A project to develop and implement a strategic plan for the future of Residential and Day Care Services for people with Learning Disabilities is underway. A dedicated Project Lead is now in place. There have been regular Project Group meetings since April 2017.</li> <li>• A Joint Project Board was set up June 2017 and has met regularly since. Key principles and reporting structures have been agreed.</li> </ul>

	<p>The Board is responsible for monitoring the project plan and unblocking problems.</p> <ul style="list-style-type: none"> <li>• A Milestone Plan, Appendix A is in place ending in the procurement of new services (where appropriate) by June 2018. However, there has been some slippage on elements of the plan which has affected the end date of the project (likely to be December 2018).</li> <li>• Update reports are now being discussed at the Directorate Leadership Team.</li> </ul>
Review of all significant current contracts to ensure full and current legal agreements are in place	A list of individual contracts with spend over £half million annually has been produced and is being worked through to ascertain whether there are further contracts without legal agreements in place.
Review of the resourcing of the Adults Plan for dealing with contracts in breach / coming to an end to ensure further breaches are minimised - allocate responsibility; identify clear reporting lines and frequencies.	<p>Corporate Procurement staff attend the Adults Services Directorate Leadership Team to provide regular updates on risks and issues regarding breaches, contracts coming to an end and off-contract spend.</p> <p>A 4 year commissioning delivery plan was reported to Audit Committee in October 2017. Its effectiveness is dependent on additional resources being in place and strong compliance / monitoring control operations.</p> <p>Appointment exercises commenced in December 2017 for both temporary and permanent posts. Some posts have been filled, however recruitment to others is still ongoing.</p>
Review of Adults Commissioning / Contracting arrangements (including strategy, responsibility, split of functions, rotation of staff, sharing of information, standard minimum documentation / processes etc.)	A 4 year Commissioning Strategy / Plan was agreed by AHWb Board and reported to Audit Committee in October 2017. Commissioning / Contracting arrangements will be realigned to meet this Strategy.

7. It should be noted that these are failings by the Council and are not a comment on RDaSH or the Solar Centre itself. It should also be noted that the original breach and subsequent lack of remedial action highlight above precede the appointment of the current Director of People and the Assistant Director, Adult Social Care, who are now both taking steps to address the situation.
8. Within the context of the developing wider Learning Disability Strategy, the

Council's Transformation Plan and the local Place Plan, the Council in partnership with Doncaster Clinical Commissioning Group (CCG) and RDaSH is currently reviewing all placements within six Registered Care Homes managed by RDaSH. This is inextricably linked with the Solar Centre as over half of the current residents in the RDaSH Residential Homes also attend the Solar Centre.

## **EXEMPT REPORT**

9. This report is not exempt.

## **RECOMMENDATIONS**

10. It is recommended that Audit Committee members note that:

- (i) a project is now well underway closely aligned to local transformation priorities, initiatives and partnerships. Please see Appendix A detailing key milestones. Specifically, the aim is for improved outcomes for people through services that are more aspirational and provide greater choice and control for service users.
- (ii) commissioning decisions on the Solar Centre can only be taken in the context of the broader RDaSH project. Service user reviews and initial 'best interest decision' meetings have taken place and this has informed strategic recommendations about future commissioning of services which will be presented to the Joint Board in April 2018.
- (iii) additional project and financial resources have been provided to enable the project to progress. This reflects the priority given to the project by the Council and its partners. Originally it was anticipated that the project would be completed by June 2018. However, delays during the reviews of and engagement with service users means that there will be slippage to the target end date. It is now anticipated that work on this project will be completed by December 2018.

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

11. There is a need to review services for people with learning disabilities currently provided by RDaSH to ensure the best possible outcomes for service users and that commissioned services demonstrate value for money.
12. Options for transformation of these services will be consistent with the Doncaster Place Plan, the Transforming Care Programme and the Adult, Health & Wellbeing Directorate's 'Your Life Doncaster' Transformation Programme. Specifically, the Council and its partners want to commission services which enable independence and resilience, drive ambition and confidence, facilitate greater choice and control and enable community participation.

## **BACKGROUND**

13. This report provides the Audit Committee with the key findings and conclusions from the Internal Audit investigations. It also seeks to give assurance that improved processes and actions are being implemented

which should help to prevent further CPR breaches by the Directorate of Adults, Health & Wellbeing in the long terms. RDaSH provides Day Care and Residential service for people with learning disabilities in Doncaster. There is a direct contract with the Council for two Care Homes and a Day Service, and a contract between the Council and South Yorkshire Housing Association (SYHA) for the provision of four Care Homes.

14. Solar Centre currently provides day opportunities for 50 people. This has reduced in recent months from an original figure of 54. Three people have been supported to access alternative day provision and one service user has, sadly, passed away. The current 50 attendees live across Doncaster in the following settings:
  - 21 live in RDaSH Residential homes
  - 13 live in Supported accommodation
  - 16 live with their families.
15. There are a number of people who have attended for many years, and some for whom families depend on the Solar Centre to provide them with regular breaks from caring. To meet future need and aspirations, careful planning is required to ensure that changes are managed to minimise disruption and anxiety to people who use the services and their families/carers.
16. An overarching project has been established focussing on both the Solar Centre and the RDaSH Registered Care Homes in order to ensure robust strategic planning for the future delivery of transformational services. Services that deliver the best outcomes for people and that are truly aspirational, provide service users with greater choice and control, and demonstrate value for money.
17. Significant progress has been made on the project as a whole since April 2017. The ambitious target for project completion was 30 June 2018; however it is likely that there will be slippage with some elements of the project, particularly as the pace of work with individuals has to be tailored to their particular needs. The Project Board is advised on a regular basis of any slippage that could impact on the end target date. Currently a delay with service user and family engagement has caused project slippage. The need to work sensitively with the service users and their families/carers on the Best Interest Decision-making meetings and in some cases to ensure appropriate advocacy was in place, meant that some meetings have taken longer to arrange and thus meant that there has been some delay in analysing the final information from those meetings. The project plan is being amended to reflect this and it is now anticipated that a more realistic completion date for the project is December 2018. This will be clarified once the strategic recommendations have been considered at the Joint Board in April 2018.
18. Project activity to date comprises:
  - A Joint Project Board has been established with senior representation from relevant organisations chaired by the Director of People, working to shared principles with a clear plan, key milestones, timeframe and appropriate governance. This Board reports into the 'Working Age Adults with a Disability' Project Board which in turn reports to the Your Life Doncaster Transformation

Board.

- Project leadership has been independently contracted and additional resources have been provided for a review team to undertake reviews of service user need in partnership with CCG colleagues.
- A Joint Project Group has been in operation since April 2017 and meets fortnightly. It is charged with implementing the project plan, managing risk and making clear recommendations to the Project Board. Membership includes legal, procurement and finance colleagues in addition to Council and CCG Commissioners.
- An operation group has been established to coordinate outcomes from service user reviews, ultimately ensuring that each service user has a personalised and costed future care and support plan aligned to agreed commissioning intentions.
- Strategic reviews of both the Solar Centre and RDaSH Residential Homes are well underway to ensure a robust approach to determining future commissioning requirements. The project lead will be taking a report containing strategic recommendations about future provision to the Joint Project Board on 19<sup>th</sup> April 2018.
- A communications plan developed to ensure appropriate responses to enquiries and to enable effective engagement with relevant stakeholders.
- All 50 Solar Centre attendees have had their care and support needs reviewed. In addition to the service user reviews, Capacity Assessments and Best Interests Decision-making meetings have been carried out as appropriate to identify and inform future commissioning requirements. Service users without family or carers have been supported throughout this process by independent advocates.
- Financial mapping and modelling has been undertaken to understand current costs, pressures, funding responsibilities and to map the funding available for the commissioning of future care and support provision.
- Ongoing appropriate and robust engagement with service users and their families/carers is being coordinated and undertaken to support them to manage future changes, particularly recognising that many of the individuals who attend the Solar Centre have complex needs.
- Discussions are taking place with the CCG in respect of Continuing Health Care funding.
- A letter has been sent to RDaSH outlining an ongoing agreement for delivery of services commissioned by Doncaster Council. The letter sets out contractual terms for RDaSH as supplier of services up to the 30<sup>th</sup> September 2018.
- Work has commenced to engage the Provider market to explore possibilities for day opportunities either through existing provision or through newly commissioned services.

19. Commissioning decisions specifically relating to the Solar Centre can only be taken in the context of the broader RDaSH project and only after the strategic and service user reviews and initial Best Interests Decision-making meetings have been completed and appropriate consultation has been undertaken. The full analysis of need will be presented to the Joint Board in April 2018 with a view to formally consulting on options for individuals going forward from June 2018. It could be that some service users may transition quickly but for others with more complex needs any recommendations could

take longer to implement. To reflect the need to move at a pace that is respectful of needs and complexity, the project has been extended up to December 2018. However intensive work is currently underway (and will continue), to identify alternative appropriate day opportunities for those service users who can be supported to access new provision if that is the outcome from their reviews and best interest meetings. It is important to note that approaches will need to be flexible enough to take account of the complexity of individual need.

20. A robust process is in place to collate and analyse findings from reviews to support strategic commissioning decisions. Key findings from service user reviews and Best Interest Decision-making meetings to date include:

- A strong indication that more personalised services can be provided for people who currently attend the Solar Centre.
- Alternative options being considered include use of personal assistants, shared Lives and commissioning person-centred day opportunities as part of a 24 hour care and support contract.
- Personal Budgets/Direct Payments will be used to support as many individuals as possible to access more personalised day opportunities in the community. Therefore service users will be able to exercise maximum choice and control.
- The individuals with extremely complex needs are likely to require access to a building-based service including changing facilities. Work is underway aligned to transformation of the Council's Day services for people with learning disabilities to consider options for access to alternative buildings. This will include market-testing with Providers.
- 21 are currently funded for 24:7 care and it is likely that outcomes-focussed day opportunities could be provided in that setting.

21. As a result of the reviews, there have already been changes to plans for a small number of people and this has resulted in people leaving the Solar Centre and having their need for day activities met within their overall 24 hour care package. The work to identify suitable person-centred day opportunities for other service users continues and it is anticipated that more service users will access alternative day activities thereby further reducing Solar Centre attendance numbers in the forthcoming months. This will be managed through the operational group.

22. Service users and families have been advised of the overall strategic review of both the RDaSH Residential Homes and the Solar Centre. They are aware that services could change and have discussed this as part of the Best Interest Decision-making meeting (including the use of independent advocates as required) on the potential future options available.

23. It is difficult at this stage to give specific details about likely costs of support for people who may access alternative day opportunities. It very much depends on the needs of the service user, the types of facility required to meet those needs and outcomes and future contracting arrangements.

24. At the present time it is not possible to be specific about timescales for individual service users as this will depend on individual need and the future commissioning of services to meet these needs. It has been identified from

reviews (although a challenge process is underway) that as many as 27 people may, at least in the short term, need to continue to access a building base for their day opportunities and therefore there needs to be careful consideration of how these needs are to be met. For example, individuals may opt to have a direct payment to fund day care provision and this may indeed continue to be delivered at the Solar Centre. In other cases, other day provision that can meet complex needs (such as In-House provision within the Council) may better be able to meet those needs.

25. Potential outcomes for the Solar Centre service users could be as follows but clearly there will need to be significant engagement and consultation before final decisions are made:

- Around a third of service users currently live in Supported accommodation – Supported Living providers are working with service users exploring day opportunities. This priority activity will continue.
- Almost half of the service users are currently residing in RDaSH Residential homes – reviews indicate that a high proportion of these service users would achieve improved outcomes in a Supported Living setting. Their families/carers have been involved in this along with advocates where appropriate. Work is currently underway to identify how this might be provided with a decision to be made at the April 2018 Joint Board meeting. It is envisaged that a significant number will access more outcome-focussed day activities using their own Direct Payment thereby giving the service user more choice and control over their care and support.
- There are a significant number of service users who are likely to need a buildings-based service due to the complexity of their needs and many of them live with their families. Early market testing has already taken place with further work with Providers to take place by the end of April 2018.

## OPTIONS CONSIDERED

26. As part of the strategic review process, including collation of outcomes from service user reviews, an appraisal of the options available to reconfigure/transform the services will be undertaken. The current plan indicates that strategic recommendations will be made to the April 2018 Joint Board meeting. This has slipped from the target date of February 2018 due to delays in working with service users and their families on Best Interest Decision-making meetings. These are now all complete.

## REASONS FOR RECOMMENDED OPTION

27. Not applicable – For information only.

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

	Outcomes	Implications
	<b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives	There is potential with transformation to reinvest in more appropriate services.



	<p>them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>	<p>People will have greater levels of income and therefore contribute more to communities.</p>
	<p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	<p>People will be supported to have more choice over living a more independent life. More people will have their own tenancy and therefore more control over their daily lives.</p>
	<p><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>	<p>More personalised day opportunities for people with learning disabilities will enable those service users to improve their skills.</p>
	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>	<p>These proposals will support people with learning disabilities to make choices about their care and support and live more independently within their communities.</p>

	<p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	<p>Through transforming services and ensuring greater value for money, it will support sustainability of vital services over time. Current services are not financially sustainable.</p> <p>A review of these services will enable the Council and the CCG to ensure that future services provide value for money and that they align to the personalisation agenda.</p> <p>A joint governance process is in place to ensure strong leadership for the project.</p>
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## **RISKS AND ASSUMPTIONS**

28. A Risk Register is in place which is monitored through the Project Group with ongoing and escalating risks reported to the Joint Board. There is a risk of slippage with the project due to delays in completing reviews for service users and engagement with families.
29. There is also a risk that families will not support proposed changes and this could result in complaints, legal challenge and further delays.

## **LEGAL IMPLICATIONS [NJD 15/3/18]**

30. The value of this contract is above threshold for the purposes of the Public Contracts Regulations 2015 (the 'Regulations') and the service is referred to as a light touch service for the purpose of the Regulations. There was therefore an obligation on the Council to place a notice in OJEU, carry out a procurement exercise and to place a contract award notice. Making a direct award of this contract in this way carries with it a risk of challenge from aggrieved alternative suppliers and the risk of sanctions from the European Commission.
31. This report sets out the plan of how the Council is dealing with the breach and legal support and assistance may be required going forwards.

## **FINANCIAL IMPLICATIONS [CC 12/3/18]**

32. The current annual budget for the Solar Centre is £592,000 but with a fixed annual cost of £742,000 (paid as fixed monthly invoices of £61,833) resulting in a pressure of £150,000 per annum. The most recent unit cost information provided by RDaSH shows a unit cost of £52 per half day session, but the actual unit cost is higher given that activity levels have dropped since the information was provided. RDaSH has recently been

asked to provide proposals on how costs can be reduced as activity levels fall; it is expected that this will be provided by late March for consideration at the April Joint Project Board meeting.

### **HUMAN RESOURCES IMPLICATIONS [DD 13/3/18]**

33. There are no human resources implications for Doncaster Council staff in respect of this report.

### **TECHNOLOGY IMPLICATIONS [PW 13/3/18]**

34. There are no specific technology implications associated with this report.

### **HEALTH IMPLICATIONS [SH 13/3/18]**

35. There are no specific health implications with regard to this report. However, it will be important to ensure that actions to address the breach do not exacerbate or create inequality for people with learning disabilities and we recommend additional contact with the public health team for further advice and/or support.

### **EQUALITY IMPLICATIONS [AJ 13/3/18]**

36. A Due Regard Statement has been completed in accordance with Public Sector Equality Duty. All equality considerations are covered in that document at Appendix B.

### **CONSULTATION**

37. There was consultation with the Director of People at the outset of the audit investigation. Further consultation was undertaken with all Adult, Health & Wellbeing senior officers at the end of the review to ensure that all review findings were accurate and fair. Internal Audit has been consulted regarding the inclusion of the key findings and progress against the actions agreed from their review.

### **BACKGROUND PAPERS**

38. Doncaster MBC, Internal Audit Report – Solar Centre CPR Breach (August 2017).

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